



Education Report: Updated Cabinet paper Education and Training Bill – public consultation on second tranche of policy proposals

To:	Hon Chris Hipkins, Minister of Education		
Date:	14 March 2019	Priority:	Medium
Security Level:	In Confidence	METIS No:	1179786
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Messaging seen by Communications team:	No		

Purpose of report

Following feedback on a first draft at the agency meeting on 11 March, this paper asks you to approve the attached Cabinet paper and consultation documents regarding matters to be included in the Education and Training Bill.

Summary

1. Following feedback at the agency meeting on 11 March, we have updated the Cabinet paper and the three consultation documents relating to the Education and Training Bill that we provided on 4 March 2019.
2. The updated consultation documents cover: The establishment and disestablishment of special schools (Appendix 1 of the Cabinet paper), school donation scheme funding (Appendix 2 of the Cabinet paper) and a strengthened right to education (Appendix 3 of the Cabinet paper).
3. The changes to all of the documents are tracked so that you can easily review the changes since the 4 March version.
4. If you are comfortable with the changes, we propose to consult departments from 18 March to 22 March. We will provide you with revised papers by 25 March for Ministerial consultation. This will not affect the dates previously agreed with you for obtaining Cabinet approvals to release the tranche two proposals for public consultation.

Recommended Actions

The Ministry of Education recommends you:

- a. **agree** that the Ministry can release the attached draft Cabinet paper (and the associated draft consultation documents) for the second tranche of Education and Training Bill policy proposals for departmental consultation

Agree / Disagree

- b. **note** the revised timing for departmental and ministerial consultation

Noted

Proactive Release Recommendation

- c. **agree** that this Education Report be proactively released once Cabinet decisions have been made.

Agree / Disagree

Dr Andrea Schöllmann
Deputy Secretary
Education System Policy

14/03/2019

Hon Chris Hipkins
Minister of Education

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Background

1. The attached Cabinet paper (Annex 1) is a revised version of the paper provided to you on 4 March 2019 (Education Report Metis 1179786 refers). Related changes have been made to the attached consultation documents: Establishing and disestablishing special schools (Appendix 1 to the Cabinet paper), School donations scheme (Appendix 2 to the Cabinet paper), and Strengthening the right to education (Appendix 3 to the Cabinet paper).
2. The changes (outlined below) have been made to incorporate feedback from the Minister's meeting on 11 March 2019. These changes are tracked in the attached documents.

Establishment and disestablishment of special services, schools and clinics

3. The Cabinet paper and related consultation document were revised to:
 - a. make it clear that the updated test for disestablishing special schools will not lower the threshold for disestablishment;
 - b. add more information on why special classes and clinics no longer need to be provided for in education legislation;
 - c. add a new proposal to change the name of "special schools" to "specialist schools" in the legislation.

School donations scheme funding

4. The Cabinet paper and related consultation document have been revised to reflect the Speech from the Throne.

Strengthening the right to education

5. The Cabinet paper has been revised to explain what the implications would be for stand-downs, suspensions, exclusions and expulsions if we took a United Kingdom - style approach to providing for an enforceable right to education in our legislation.
6. We have also added a paragraph to make it clear that schools may be concerned about a clarification of students' right to an education if it means more work for them to ensure that students can attend school whenever it is open. The consultation process will enable us to better understand any such concerns before the Government makes a final decision on whether to proceed with changes.
7. We have also removed the enforcement approach taken in the previous draft Cabinet paper. We have instead made reference to the Learning Support Action Plan which will promote this right to attend school. The consultation document has been revised to reflect this change.

Next steps

8. We will incorporate any feedback you provide into revised versions of the Cabinet paper and consultation documents for a round of departmental consultation from 18 – 22 March 2019.
9. We will then provide you with a revised draft Cabinet paper and consultation documents by 25 March for consultation with other Ministers.
10. This change in timing will not affect downstream timing. It still allows sufficient time to have the finalised paper ready for you to lodge for consideration at the Cabinet Social Wellbeing Committee (SWC) on 10 April and confirmation by Cabinet on 15 April. Public

consultation would still take place between 16 April and 14 May.

Annexes

Annex 1: Draft Cabinet paper seeking approval for public consultation on the second tranche of policy proposals for the Education and Training bill - which incorporates the following appendices:

Appendix 1: Draft consultation document: The establishment and disestablishment of special schools

Appendix 2: Draft consultation document: School donation scheme funding

Appendix 3: Draft consultation document: Strengthening the right to education